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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,348	05/11/2005	Stephen Walter Marlow	RD8145US PCT	3134

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EXAMINER	
TENTONI, LEO B	
ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
02/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Kathy.L.Crew@invista.com
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Office Action Summary	Application No.	Applicant(s)	
	10/506,348	MARLOW, STEPHEN WALTER	
	Examiner	Art Unit	
	Leo B. Tentoni	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *41-54 and 59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *41-54 and 59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 41-43, 47-51, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al (U.S. Patent 5,439,626 A) in combination with Ortega et al (U.S. Patent 7,060,149 B2).

Bennett et al (see the entire document, in particular, col. 1, lines 16-27; col. 4, line 17 to col. 5, line 7; col. 11, lines 17-38; col. 12, lines 8-46; col. 15, lines 53-57; col. 17, lines 1-23; Example 19) teaches a process of making a polyamide mixed yarn as claimed (including the yarn weight), except that Bennett et al does not explicitly teach simultaneously spinning from separate spin packs. Ortega et al (see the entire document, in particular, col. 3, lines 34-60; col. 5, lines 4-5 and 39-52; claim 1) teaches a process of making a mixed polyamide yarn including simultaneously spinning from separate spin packs, and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Bennett et al in view of Ortega et al principally in order to produce

fabrics having desired characteristics in terms of thickness, permeability, tensile strength and hand. Furthermore, all of the claimed elements (i.e., the process of Bennett et al, simultaneous spinning as taught by Ortega et al) were known in the prior art and one skilled in the art could have combined the elements as claimed with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time the invention was made (*KSR International Co. v. Teleflex Inc.*, 550 U.S. _____, 82 USPQ2d 1385 (2007)).

3. Claims 44-46, 52 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al (U.S. Patent 5,439,626 A) in combination with Ortega et al (U.S. Patent 7,060,149 B2) as applied to claims 41-43, 47-51, 53 and 54 above, and further in view of Nakayama et al (U.S. Patent 3,939,636 A).

Bennett et al (see the entire document, in particular, col. 1, lines 16-27; col. 4, line 17 to col. 5, line 7; col. 11, lines 17-38; col. 12, lines 8-46; col. 15, lines 53-57; col. 17, lines 1-23; Example 19) teaches a process of making a polyamide mixed yarn as claimed (including the yarn weight), except that Bennett et al does not explicitly teach a polyamide mixed yarn which is dyeable by acid (or anionic) dyes. Nakayama et al (see the entire document, in particular, col. 1, lines 39-50; Example 27) teaches a process of making a polyamide mixed yarn which is dyeable by acid (or anionic) dyes, and such would have been obvious to one of ordinary skill in the art at the time the invention was made

in the process of Bennett et al in view of Nakayama et al principally in order to produce fabrics having a dyed color of excellent clarity. Furthermore, all of the claimed elements (i.e., the process of Bennett et al, acid (or anionic) dyeing of a mixed polyamide yarn as taught by Nakayama et al) were known in the prior art and one skilled in the art could have combined the elements as claimed with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time the invention was made (*KSR International Co. v. Teleflex Inc.*, 550 U.S. _____, 82 USPQ2d 1385 (2007)).

Response to Arguments

4. Applicant's arguments with respect to claims 41-54 and 59 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leo B. Tentoni/
Primary Examiner, Art Unit 1791